

Serial No. 09/501,168

Remarks

Claims 1-22 are pending in the application.

Claims 1-16 and 21-22 stand allowed

Claims 18-20 are indicated to contain allowable subject matter but are objected to as being dependent from a rejected independent claim.

Claims 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,728,540 issued to DeSantis et al. on April 27, 2004.

Rejections Under 35 U.S.C. 103(a)

Applicants note that DeSantis et al. only qualifies as prior art with respect to the instant application under 35 U.S.C. 102(c). As such, pursuant to 35 U.S.C. 103(c)(1), DeSantis et al. cannot not preclude patentability under 35 U.S.C. 103 since the subject matter of DeSantis et al. and the claimed invention of the instant application were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person, i.e., Lucent Technologies. This can be seen from the fact attached printout from the USPTO's assignment recording system showing that ownership of the DeSantis application was originally assigned to Lucent Technologies and that it was later transferred from Lucent Technologies to Avaya on October 1, 2000, as shown by the attached printout from the Lucent Technologies Docketing System, such assignment being recorded in the USPTO on March 21, 2002. Note that the assignment on October 1, 2000 was after the subject matter of the instant application was invented as well as after the instant application was filed. The present application remains assigned to Lucent Technologies, as indicated by the attached copy of the assignment.

Thus, applicants' invention as recited in claim 17 is allowable over DeSantis et al. As a result, applicants' claims 18-20, are also allowable 35 U.S.C. 103(a).

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Conclusion

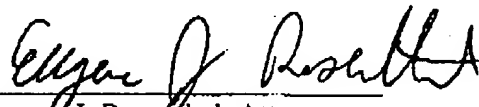
It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325**.

Respectfully,

S. Davies
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By 
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Lucent Technologies Inc.

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